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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Herve LHERMITTE et al
Serial No.: 10/826,031
Filed: April 15, 2004
For: PROCESS...DERIVATIVES

: Group: 1624
:
: Examiner: Habte, Kahsay
:
1185 Avenue of the Americas
New York, NY 10036
July 17, 2006

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Advisory Action of May 30, 2006, Applicants request reconsideration of the application and entry of the Rule 116 Amendment of May 15, 2006.

Upon entry of the said amendment, the claims in the application would be claims 1 to 7 and 9 to 16.

Applicant's attorney wishes to thank Supervisor, James Wilson, for the courtesies extended to him at the interview on July 10, 2006 at which time the advisory action and the application were discussed.

The Examiner believes that the last amendment raised new issues since page 5 of the application defines R_3 presented in claim 16 which the Examiner believe does not fall within the scope of "nucleofugal organic group". The Examiner deems that there is no support in the application for definition of such a group and suggests the limitation to claim 16.

Applicants vigorously oppose the Examiner's suggestion since it is deemed that the expression "nucleofugal organic" is an art recognized term that does not have to be defined in the application. Applicants again call the Examiner's attention to the literature filed with the amendments of January 27, 2006 and May 15, 2006 which Applicants believe clearly define the term to those skilled in chemistry so as to include not only the substituents as well. The same was discussed at the interview and the term "nucleofugal organic group" is supported in lines 3 and 4 of page 3 of the application as filed and is well known in the literature of record as meaning leaving groups (first paragraph of Advanced Organic Chemistry) and IUPAC and Advanced Organic Chemistry submitted with January 27, 2005 amendment. The leaving groups are illustrated on page 5 of the application and the specific examples. The term is not limited to those recited in claim 16 but also includes other groups such as leaving groups illustrated in the literature supplied by Applicants. Just because the Examiner is unfamiliar with the term "nucleofugal organic group" does not mean Applicants' claims have to be limited to halogen, mesylate and tosylate as suggested by the Examiner in the advisory action. It is art recognized and Applicants are entitled to broad terminology in the absence of prior art.

It is believed that the present record clearly establishes what is meant by the term to one skilled in the art and that there is no ambiguity or unclearness to one skilled in the art by the use of the term which is clearly understood by its use. Therefore, the term is not unclear and is clearly understood by its scope to one skilled in the art and withdrawal of this rejection is requested.

In view of the entire record, it is believed clear what is the scope of the present claims and invention as required by 35 USC 112, second paragraph to those skilled in the art. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,
Hedman and Costigan


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CAM:mlp
Enclosures

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


Charles A. Muserlian #19,683